

The Leesburg Planning Commission met on Thursday, December 1, 2005 in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Susan Swift, David Fuller, Barbara Beach and Linda DeFranco

CALL TO ORDER

The meeting was called to order at 7:00pm by Chairman Wright

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Wright
Commissioner Bangert
Commissioner Barnes
Commissioner Burk
Commissioner Hoovler
Mayor Umstattd

Commissioners Kalriess and Moore were absent.

ADOPTION OF AGENDA

Commissioner Bangert moved to adopt the agenda adding discussion on the UGA and Proffers. Chairman Wright said they could be added under New Business.

Motion: Bangert
Second: Burk
Carried: 4-0-3

Commissioner Hoovler was not present for this vote.

APPROVAL OF MINUTES

Commissioner Bangert moved to adopt the minutes of the November 17, 2005 meeting.

Motion: Bangert
Second: Burk
Carried: 4-0-3

Commissioner Hoovler was not present for this vote.

CHAIRMAN'S STATEMENT

Chairman Wright reviewed tonight's agenda stating that there would be a subcommittee meeting following the Commission meeting. He thanked the Commission members for their work during 2005.

PETITIONERS

None

PUBLIC HEARING

None

ZONING

None

SUBDIVISION AND LAND DEVELOPMENT

None

COMPREHENSIVE PLANNING

None

COUNCIL AND REPRESENTATIVE'S REPORT

Mayor Umstattd reported on the Transportation Aspect of the Council meeting. Delegates Mims and May, and Delegates Elect Caputo and Poisson were in attendance. The bad news is that the state is contemplating eliminating maintenance payments to localities for roads. The cost of maintenance is going up and it was anticipated that the state might pull the plug. It shouldn't happen this session, but will be coming in the future. This is an impact of about \$400K per year for Leesburg. This will have significant impact on the budget. There will be an opportunity to meet with Governor Elect Kaine on Saturday and concern over this will be expressed.

STAFF AND COMMITTEE REPORTS

Chairman Wright reported that at the last BAR meeting they were working on modifying the sign guidelines, possibly increasing the number of signs that can be administratively reviewed. They are also working on a case at the Prosperity Shopping Center where modifications were made without review.

Commissioner Burk said he had been attending the Standing Residential Traffic Committee, but will be missing the upcoming meeting on Monday.

Susan Swift presented a staff report. David Fuller will be presenting a report on the Oaklawn plan amendment, and there is a copy of the budget sheet. There is a proposal to reduce materials and supplies because there was more money budgeted for special meetings regarding the Town Plan. She also asked the commission to present ideas for their retreat in February. Chairman Wright said two things were to prioritize the

amendments and ordinance changes and proffer discussion. Commissioner Bangert said they need to address the to do list established last year and make a better attempt to follow through. The town plan took up much of this year's schedule. Chairman Wright stated that By Law review was another issue up for discussion.

David Fuller presented information on the Oaklawn Town Plan amendment changing the designation to regional office rather than community office/light industrial designation. There is a small strip that will be impacted also. Council asked that there be a joint hearing on this matter which has been scheduled for January 10. The Commission is expected to make a decision on this at that hearing. Chairman Wright said the Commission may not want to suspend the rules and vote on this that night. Commissioner Bangert asked if a "super" majority would be necessary to suspend the rules that night. Mayor Umstattd said they cannot require a decision from the Commission. Commissioner Bangert said there is a month before this hearing and this should be ample time to be prepared to vote that evening. She asked that the Commissioners spend the time researching this with staff to be ready to make a decision.

Commissioner Barnes asked why this was so important to have this joint meeting. Commissioner Bangert said this had Battlefield Parkway on the line. There was some further discussion and Ms. Bangert said they need to work with this applicant. Chairman Wright stopped further discussion stating that they really had no staff report to base this on at this point, and asked when the report would be ready. Mr. Fuller responded that it would be mailed out the Thursday before the 10th. The Mayor asked that it be sent out sooner.

Susan Swift presented changes to process for rezonings and special exceptions. She referred to the handout at the Commissioners' places. Development applications will have a data sheet that will capture all of the information as it goes through the process. She is also recommending a standard staff report outline and a thorough submittal checklist will be required.

Mayor Umstattd asked that the Planning Commission vote along with recommendation be included on the data sheet. Chairman Wright asked if a section for recommendation with any issues be reflected. Commissioner Burk asked how the Council finds out what the sticking points were. The Mayor responded that often this is included in the staff report, and the Council can look at the minutes or speak with the Commissioners to discuss these issues. Attorney Beach said that the staff report sometimes includes a coversheet that explains the vote and any issues.

Ms. Swift then addressed the approval, conditional approval or denial recommendation. This needs to be discussed more in-depth. The terms will probably be changed to objection or no objection by staff and the Commission can then make their recommendation. Other items of discussion included a flow chart that sets out the ideal order of comments, revisions and decisions on applications. While this is not etched in stone, the process tightens the schedule for a more realistic timeframe.

Chairman Wright felt there was not enough time to react at the second submission and the timing of the packet. Ms. Swift said they can get referral comments from staff at anytime. Applying this to a calendar, there might be a few extra days for planning. Chairman Wright referred to an ideal application, how long would it take to get through the process? Susan Swift responded at least six to seven months. Chairman Wright asked if a special exception would fall under the same timeframe. Barbara Beach responded that most problems are with the initial application and the lack of detail contained therein. If the application were properly submitted initially, then this timeframe could be shortened.

Commissioner Bangert asked if we send a copy of the staff report to the applicant, or do they just get notified that it is available. Susan Swift responded that they used to mail it, but now they call to let the applicant know that it is available. Ms. Bangert asked if a second submission drastically changes the application, then wouldn't this affect the notification process. Ms. Swift said this can add at least one month to the process, but staff makes every attempt to work within the process to minimize delays. Barbara Beach said the ad should be general so that there is some maneuverability.

Commissioner Hoovler arrived at the meeting at 7:48pm.

Commissioner Burk asked if this flow chart will be given to the applicant as well so that they can see the flow of information.

Susan Swift went on to discuss some more ideas related to the flow chart. One thing that other jurisdictions do is to designate one monthly meeting a hearing and the other a worksession. This allows for non case items to be discussed. This can also help relieve pressure of getting additional information quickly. Chairman Wright asked if she meant one meeting for a hearing and business and the other for strictly worksession. During the worksession the applicant would be in attendance but would not give a presentation. Barbara Beach said that she felt this would be a good give and take session. Susan Swift said this unlevels the playing field with the public and she does not agree. The situation she had in mind was for staff and the Commission to discuss all the points of the application. The applicant was asked to answer any questions at the next session.

Commissioner Hoovler said when they were doing previews, he thought this was a good idea. He feels that this new process parallels the preview scenario. Ms. Swift said that it really did not because they would have a full staff report at the worksession and that the applicant would not speak at the worksession. Basically the worksession should be for questions only, not negotiation. Commissioner Hoovler then questioned when a worksession is in order. Who will determine what needs a worksession? Ms. Swift felt that a worksession after the hearing is the best timing since it provides the input from the public.

Commissioner Barnes felt that the staff report provides a good preview. Commissioner Burk agreed that having a worksession after public input is the better flow. Commissioner Bangert agreed, but felt that at times they should have the say on whether

there should be a worksession or not. She also asked that the deadline be added to the coversheet so that they can track the dates.

Commissioner Hoovler asked whether this would necessitate extensions more often? Barbara Beach said she feels that they are not getting the information up front to spark new questions constantly. She reiterated the fact that there should be more complete information initially.

Commissioner Burk said that he likes the reports they have been getting and feels that this approach can help deal with complex issues that are interrelated, such as the Crescent District. He agrees with the worksession concept.

Commissioner Hoovler agreed with Mr. Burk stating it gives them the opportunity to compare notes. Commissioner Barnes reiterated that he likes the staff reports. He did question conditional approval. Why can't the conditions be fulfilled prior to the Commission consideration avoiding conditional approval. Ms. Swift said this is reserved for those cases where they can easily meet the conditions. Mr. Barnes asked about fixing these things in the second submission. Ms. Swift said they do fix things in the second submission. There was some further discussion on approvals, deferrals, etc. Barbara Beach said that you don't send something back to the drawing board once it has arrived at the Planning Commission level.

Commissioner Hoovler said that on a recent application he didn't think they had all of the information they needed. This will be an important tool to assure that they get the entire picture of an application. Mayor Umstattd said that prior Commissions' procedures discouraged questions during public hearings from staff and/or the applicant. By not asking questions, you are doing a disservice to yourselves. The more information you can get to the public, the better. On the other hand we must be careful not to penalize a developer who does a major revision based on public comment. If it satisfies the public concern, we should not penalize a developer by making him resubmit.

Susan Swift stated that if the application changes too much, then the public comment would not pertain to the new changes. This is not a penalty, but more of a part of the process to assure that the correct information is brought before everyone. Barbara Beach commented that previous discussion centered around the magnitude of change in an application. Ms. Swift said that sometimes changes impact traffic studies, etc. so caution must be taken to make sure that further analysis provides the impacts. Chairman Wright said this is the reason they need to carefully consider any changes that would have different use impacts. Commissioner Burk added that this provides an additional tool to make proper judgment calls.

Commissioner Bangert asked about the email list for the town plan. Ms. Swift responded that there were over 1400 names on the list. She said she would hesitate to ask the general public how to do a rezoning. Ms. Bangert said she was interested in hearing from citizens and developers who might have some suggestions on how to streamline the public input for the process, along with other suggestions. Getting input regarding

worksessions and business meetings, etc. would be very helpful. Ms. Swift said perhaps Commissioners should poll people they interact with to get some feedback. Chairman Wright agreed that candid feedback is more likely on a one and one basis rather than a large group. Commissioner Hoovler said to send the flowchart out may not really provide good information if the recipient doesn't understand it. Susan Swift suggested that they ask specific questions so that the chart would not be taken out of context. Commissioner Barnes commented that the town had hired very capable staff and said they should follow the pattern of the flowchart. Chairman Wright asked that this be put on the next agenda for further discussion.

OLD BUSINESS

None

NEW BUSINESS

Commissioner Bangert asked about proffer guidelines. She feels that they are doing a disservice by not expanding the proffer guidelines. At the County level she has never seen an application that did not meet the minimum guidelines. They have set up guidelines through an intense process including citizens, board members, staff and some department heads, where they look at the CIP. She realizes that this would take significant effort on the part of staff to gather the information, however, the county would be willing to help. She feels that this should be done very soon. Could they have a motion to work with Council on this.

Chairman Wright said they might want to take some time considering this since it can be a very complex issue. Possibly it can be a topic at the retreat.

Commissioner Hoovler said he agrees with the concept. We are currently following the school proffer along with fire and rescue. He thinks this should come into discussion of the Subcommittee since they are working with the County. He is concerned about the amount of staff time this would take. We should be working with the County to see how their guidelines would impact our guidelines. Commissioner Bangert said yes, there would need to be some joint effort between the county and town staff. Commissioner Hoovler said this would be putting additional burden on town staff and would like to know exactly how much time it would take.

Attorney Beach commented on the staff time dealing with the KSI proffers was enormous. She agrees there should be a better system in place. She reminded them that they can't deny because the proffer wasn't met, but because the development would aggravate a specific situation e.g., schools. Enforcement is essential from both the Council and the Commission. Your job is to make the best decision, having a set of proffer guidelines might not end up with the best decision. Mayor Umstattd said it would be put on the Council agenda for December 12. Currently it is very difficult to track the proffers. Chairman Wright said it is good to get direction from Council, however, they need to look at the costs carefully. There are still some instances where items are paid by

the county and some in Leesburg are not. They are not necessarily returning funds as they should, so we need to make sure we don't hand off money to the County before the town needs are met. Commissioner Bangert agreed and said they do need careful review, however, this could also help open up avenues of communication between the County and the Town. Commissioner Burk thought a proffer guideline is helpful. In the Harrison Park application the numbers were brought out and he considered this very informative. He would like to have costs on an on-going basis.

Susan Swift asked whether they were interested in adopting the county's facilities ordinance, our own capital facilities ordinance or proffer guidelines? Commissioner Bangert said we need to do our own but it needs to be based on the county's. We need to make sure that we get the county's share for the town. Chairman Wright said he understands that we do not currently have proffer guidelines. Ms. Swift said this has been discussed before. We need our own data, which we currently don't have. We have the Capital Facilities budget, but now the general administration numbers, among other data. With the new integrated management system, the town will be able to collect the data required to establish the numbers. A consultant may be hired to analyze the data necessary and develop a software to track it. Mayor Umstattd said this doesn't go against what was requested. It will be the start of the process. If the Council agrees with this, she hopes that staff will be cooperative. Susan Swift said she has been trying to get this kind of information for some time. Mayor Umstattd felt that there were some things that could be easily accessed to begin the data collection. Commissioner Bangert mentioned several items that are part of the County statement and said that currently we are not collecting for anything but schools and fire and rescue.

Chairman Wright commented that there would be an informal worksession following this meeting and asked if this meeting required formal adjournment prior to beginning the worksession. Barbara Beach said that he should formally adjourn the meeting.

Commissioner Bangert asked about the CIP and the PC annual report. Chairman Wright said both would be done in January.

ADJOURNMENT

The motion was made to adjourn the meeting at 9:17pm

Prepared by:

Approved by:

Linda DeFranco, Commission Clerk

Kevin Wright, Chairman